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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

NORTHERN SEAS, INC., an Alaska
Corporation, and the F/V ALEUT
MISTRESS, Official Number 627816,

Plaintiffs,

v.

F/V BOBBI DEE, Official Number 533344,
her engines, machinery, tackle, apparel,
furniture, equipment, cargo, and
appurtenances, *In Rem*, and WILLIAM N.
DUSHKIN and MARILYN J. DUSHKIN
and their marital community, *In Personam*,

Defendants.

AT LAW AND IN ADMIRALTY

No. 3:21-cv-00025-SLG

VERIFIED COMPLAINT DAMAGES *IN*
REM AND *IN PERSONAM*

Plaintiff alleges as follows:

1. This is a matter of admiralty and maritime jurisdiction within the meaning of Rule 9(h). This Court has original and exclusive jurisdiction over this action in admiralty *in rem* and *in personam*, in accordance with 28 U.S.C. § 1333, 46 U.S. Code § 31342, U.S. Const. Art. III, sec. 2, and the general maritime law.
2. Plaintiff Northern Seas, Inc (hereinafter "Northern Seas") is an Alaska corporation doing business in this district and has satisfied all conditions precedent to bring this claim. Northern Seas is the owner of the F/V ALEUT MISTRESS, Official Number 627816 ("ALEUT MISTRESS").

VERIFIED COMPLAINT FOR DAMAGES *IN REM*
AND *IN PERSONAM*

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1 3. The *in personam* defendants William N. Dushkin and Marilyn J. Dushkin
2 (hereinafter collectively “Dushkin”) are residents of Alaska. Upon information and belief
3 Dushkin is the owner of the BOBBI DEE. All acts herein alleged were done for the
4 benefit of the Dushkin marital community.
5

6 4. The defendant vessel F/V BOBBI DEE, Official Number 533344, her engines,
7 machinery, tackle, apparel, furniture, equipment, cargo, and appurtenances (the “BOBBI
8 DEE”), at all relevant times was a vessel duly documented under the laws of the United
9 States.
10

11 5. The ALEUT MISTRESS is a commercial fishing vessel. In the spring of 2019, the
12 ALEUT MISTRESS was engaged in the Pacific Cod fishery, as it has traditionally done.
13 The ALEUT MISTRESS is a high-performing fishing vessel and part of a catch share
14 group. Prior to the allision complained of herein the ALEUT MISTRESS was in good,
15 seaworthy condition and fully able to engage in the fishery.
16

17 6. On March 5, 2019, when the ALEUT MISTRESS was docked at King Cove
18 Harbor, the BOBBI DEE allided with the ALEUT MISTRESS. The BOBBI DEE struck
19 the ALEUT MISTRESS on the port side causing significant damage. At the time of the
20 allision the ALEUT MISTRESS was stationary, moored at the dock, and unable to take
21 any evasive action.
22

23 7. The allision was captured by the video surveillance system at King Cove Harbor
24 and a screenshot of the moment of impact is attached hereto as **Exhibit 1**.
25

26 8. After the allision, the operator of the BOBBI DEE admitted that operator error was

1 the cause of the allision.

2 9. The underwriters for the ALEUT MISTRESS and the BOBBI DEE engaged in a
3 joint survey of the ALEUT MISTRESS on April 1, 2019, at which time the surveyor
4 representing the BOBBI DEE underwriters agreed that the allision caused significant
5 damage to the ALEUT MISTRESS, including damage to the hull. A true and accurate
6 copy of the joint survey is attached hereto as **Exhibit 2**.

7
8 10. Northern Seas promptly engaged with its underwriters for the repair of the
9 damages noted in the joint survey. As repairs progressed, additional damage to the
10 ALEUT MISTRESS became evident, including but not limited to damage to the fish
11 hold.
12

13 11. The operator of the BOBBI DEE had a duty to operate the vessel safely. The
14 physical damage to the ALEUT MISTRESS arising from and related to the allision was
15 directly and proximately caused the unsafe operation of the BOBBI DEE. The damages
16 to Northern Seas and the ALEUT MISTRESS arising from or related to the allision will
17 be proven at trial.
18

19 12. To-date, repairs to the ALEUT MISTRESS are not complete. Specifically, repairs
20 to the fish hold are ongoing. Northern Seas has worked and continues to work diligently
21 with its underwriters to ensure that the repairs to the ALEUT MISTRESS are completed
22 expeditiously.
23

24 13. The damage to the ALEUT MISTRESS left it incapable of fishing. It missed two
25 openings in 2019 and one in 2020. Northern Seas and the ALEUT MISTRESS also was
26

1 deprived of the opportunity to participate in tariff relief as a result of the lost fishing time.
2 The loss of fishing time was directly and proximately caused by the negligence of the
3 BOBBI DEE and its operator. The losses to Northern Seas and the ALEUT MISTRESS
4 from lost fishing will be proven at trial and are estimated to total at least \$154,807.66.
5

6 WHEREFORE, Plaintiff prays for judgment as follows:

7 1. That this Court decree payment by the BOBBI DEE and Dushkin jointly and
8 severally, of:
9

10 a. An amount to be proven at trial for negligence causing damage to the
11 ALEUT MISTRESS.

12 b. An amount to be proven at trial for negligence causing lost fishing and other
13 damages.
14

15 c. The costs of this action including charges for all fees for keepers and their
16 costs incurred in this action and for all expenses for the sale of the BOBBI
17 DEE, her engines, machinery, and appurtenances, etc.;

18 d. Post-judgment interest, at the federal rate, from the date of entry of judgment
19 until paid;
20

21 e. Reasonable attorney's fees.

22 2. That Plaintiffs be adjudged holder of a maritime tort lien, including costs and
23 attorney's fees, and that this Court declare the relative priority of its lien and all other
24 liens which may exist against the Vessel.
25

26 3. That Plaintiff may have such other and further relief as in law and equity as it may

VERIFIED COMPLAINT FOR DAMAGES *IN REM*
AND *IN PERSONAM*

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1 be entitled to receive.
2
3

4 DATED this 10th day of February, 2021.
5

6 MULLAVEY, PROUT, GRENLEY & FOE, LLP
7

8
9 By 

10 Daniel A. S. Foe, WSBA #42876
11 Attorneys for Plaintiff
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VERIFIED COMPLAINT FOR DAMAGES *IN REM*
AND *IN PERSONAM*

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Don McCallum

SIGNED AND SWORN TO before me this 3rd day of February, 2/3/2021,
by Donald McCallum



Printed Name: Andrea Urzulas-Kayes
Commission Expires: July 26, 2022

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